

Case Law Today - June 2011

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DUI Checkpoints: A Review

with William W. Bedsworth, Appellate Court Justice, State of California

The Palmer case sets out the rules for setting up a DUI checkpoint for random stops, and the best preparation for setting one up is reading that case. Justice Bedsworth analyzes a recent case by the San Francisco Superior Court in which it applied the Ingersoll criteria to a San Francisco checkpoint. This video supplements Ingersoll and departmental guidelines about setting up a DUI checkpoint. *Cases cited: Ingersoll v. Palmer (1987) 43 Cal 3d 1321; People v. Alvarado (2011) Cal App 4th Supp. (9:54)*

"I'm Doing My Right" = Unambiguous Invocation

with Jeff Rubin, Deputy District Attorney, Alameda County, CA

Discusses a case finding a suspect had unambiguously invoked his right to silence where, after being advised of his Miranda rights and being asked repeatedly if he understood those rights, the suspect twice stated, "I'm doing my right." *Cases cited: People v. Manzo (2011) 192 Cal.App.4th 637; Berghuis v. Thompkins (2010) 130 S.Ct. 2250. (3:56)*

"Shoot, Don't Shoot Liability"

with Devallis Rutledge, Special Counsel, Los Angeles CO District Attorney's Office
In Sacramento County v. Lewis to prove that a police act causing death is unconstitutional, a plaintiff must show that the officer acted with "a purpose to cause harm unrelated to the legitimate object of arrest." In A.D. v. Markgraf shooting and killing a motorist who is ramming police cars following a high-speed pursuit has not been clearly established as violating the Constitution, so the officer is entitled to qualified immunity from suit. Damages and fees of \$619,861 reversed. *Cases cited: Sacramento County v. Lewis (1998) 523 US 833; A.D. v. Markgraf (9 Cir. 2011) WL 1338118. (6:32)*

Detaining/Frisking Persons During Juvenile Probation Searches

with Jeff Rubin, Deputy District Attorney, Alameda County, CA

Discusses a case finding a visitor present in the home of a juvenile probationer during a probation search was properly detained-- even though the visitor was not engaged in criminal activity-- where one of the juvenile probation conditions was not to associate with gang members, there was evidence the visitor might be a gang member based on his tattoos, and the detention was necessary for security purposes. *Case cited: People v. Rios (2011) 193 Cal.App.4th 584. (9:07)*

Miranda: Police Station Questioning

with Daniel McNerney, Superior Court Judge, Orange County, CA

Discusses the circumstances under which police station questioning may occur without Miranda advisements. *Case cited: People v. Moore (2011) 51 C4 386. (7:56)*

Temporarily Grabbing Steering Wheel Equals "Driving"

with Jeff Rubin, Deputy District Attorney, Alameda County, CA

A passenger will be deemed to have "driven" a vehicle for purposes of the driving under influence statutes and other Vehicle Code sections where the passenger grabs the steering wheel and turns it, causing the vehicle to crash. *Case/Statute cited: In re F. H. (2011) 192 Cal.App.4th 1465; Veh. Code § 305. (5:10)*

